

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
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CHAPTER 274

SENATE BILL 1153

AN ACT

AMENDING SECTIONS 13-3101, 13-3102, 13-3110 AND 13-3112, ARIZONA REVISED
STATUTES; RELATING TO EXPLOSIVES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3101, Arizona Revised Statutes, is amended to read:

13-3101. Definitions

A. In this chapter, unless the context otherwise requires:

1. "Deadly weapon" means anything that is designed for lethal use. The term includes a firearm.

2. "Deface" means to remove, alter or destroy the manufacturer's serial number.

3. "Explosive" means any dynamite, nitroglycerine, black powder, or other similar explosive material, including plastic explosives. Explosive does not include ammunition or ammunition components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.

4. "Firearm" means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will expel, is designed to expel or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.

5. "IMPROVISED EXPLOSIVE DEVICE" MEANS A DEVICE THAT INCORPORATES EXPLOSIVES OR DESTRUCTIVE, LETHAL, NOXIOUS, PYROTECHNIC OR INCENDIARY CHEMICALS AND THAT IS DESIGNED TO DESTROY, DISFIGURE, TERRIFY OR HARASS.

~~5-~~ 6. "Occupied structure" means any building, object, vehicle, watercraft, aircraft or place with sides and a floor that is separately securable from any other structure attached to it, that is used for lodging, business, transportation, recreation or storage and in which one or more human beings either are or are likely to be present or so near as to be in equivalent danger at the time the discharge of a firearm occurs. Occupied structure includes any dwelling house, whether occupied, unoccupied or vacant.

~~6-~~ 7. "Prohibited possessor" means any person:

(a) Who has been found to constitute a danger to himself or to others pursuant to court order under section 36-540, and whose court ordered treatment has not been terminated by court order.

(b) Who has been convicted within or without this state of a felony or who has been adjudicated delinquent for a felony and whose civil right to possess or carry a gun or firearm has not been restored.

(c) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.

(d) Who is at the time of possession serving a term of probation pursuant to a conviction for a domestic violence offense as defined in section 13-3601 or a felony offense, parole, community supervision, work furlough, home arrest or release on any other basis or who is serving a term of probation or parole pursuant to the interstate compact under title 31, chapter 3, article 4.

(e) Who is a prohibited possessor under 18 United States Code section 922(g)(5), except as provided by 18 United States Code section 922(y).

1 ~~7. 8. "Prohibited weapon": means, but does not include fireworks~~
2 ~~imported, distributed or used in compliance with state laws or local~~
3 ~~ordinances, any propellant, propellant actuated devices or propellant~~
4 ~~actuated industrial tools that are manufactured, imported or distributed for~~
5 ~~their intended purposes or a device that is commercially manufactured~~
6 ~~primarily for the purpose of illumination, including any of the following:~~

7 ~~(a) Explosive, incendiary or poison gas:~~

8 ~~(i) Bomb.~~

9 ~~(ii) Grenade.~~

10 ~~(iii) Rocket having a propellant charge of more than four ounces.~~

11 ~~(iv) Mine.~~

12 (a) INCLUDES THE FOLLOWING:

13 (i) AN ITEM THAT IS A BOMB, GRENADE, ROCKET HAVING A PROPELLANT CHARGE
14 OF MORE THAN FOUR OUNCES OR MINE AND THAT IS EXPLOSIVE, INCENDIARY OR POISON
15 GAS.

16 ~~(b)~~ (ii) A device that is designed, made or adapted to muffle the
17 report of a firearm.

18 ~~(c)~~ (iii) A firearm that is capable of shooting more than one shot
19 automatically, without manual reloading, by a single function of the trigger.

20 ~~(d)~~ (iv) A rifle with a barrel length of less than sixteen inches, or
21 shotgun with a barrel length of less than eighteen inches, or any firearm
22 that is made from a rifle or shotgun and that, as modified, has an overall
23 length of less than twenty-six inches.

24 ~~(e)~~ (v) AN instrument, including a nunchaku, that consists of two or
25 more sticks, clubs, bars or rods to be used as handles, connected by a rope,
26 cord, wire or chain, in the design of a weapon used in connection with the
27 practice of a system of self-defense.

28 ~~(f)~~ (vi) A breakable container that contains a flammable liquid with
29 a flash point of one hundred fifty degrees Fahrenheit or less and that has a
30 wick or similar device capable of being ignited.

31 ~~(g)~~ (vii) A chemical or combination of chemicals, compounds or
32 materials, including dry ice, that is ~~placed in a sealed or unsealed~~
33 ~~container~~ POSSESSED OR MANUFACTURED for the purpose of generating a gas to
34 cause a mechanical failure, rupture or bursting ~~of the container~~ OR AN
35 EXPLOSION OR DETONATION OF THE CHEMICAL OR COMBINATION OF CHEMICALS,
36 COMPOUNDS OR MATERIALS.

37 (viii) AN IMPROVISED EXPLOSIVE DEVICE.

38 ~~(h)~~ (ix) ANY combination of parts or materials that is designed and
39 intended for use in making or converting a device into an item set forth in
40 ~~subdivision (a) or (f) of this paragraph.~~ ITEM (i), (vi) OR (viii) OF THIS
41 SUBDIVISION.

42 (b) DOES NOT INCLUDE:

43 (i) ANY FIREWORKS THAT ARE IMPORTED, DISTRIBUTED OR USED IN COMPLIANCE
44 WITH STATE LAWS OR LOCAL ORDINANCES.

1 (ii) ANY PROPELLANT, PROPELLANT ACTUATED DEVICES OR PROPELLANT
2 ACTUATED INDUSTRIAL TOOLS THAT ARE MANUFACTURED, IMPORTED OR DISTRIBUTED FOR
3 THEIR INTENDED PURPOSES.

4 (iii) A DEVICE THAT IS COMMERCIALY MANUFACTURED PRIMARILY FOR THE
5 PURPOSE OF ILLUMINATION.

6 B. The items set forth in subsection A, paragraph 7- 8, subdivisions
7 SUBDIVISION (a), ~~(b)~~, ~~(c)~~ and ~~(d)~~ ITEMS (i), (ii), (iii) AND (iv) of this
8 section do not include any firearms or devices that are registered in the
9 national firearms registry and transfer records of the United States treasury
10 department or any firearm that has been classified as a curio or relic by the
11 United States treasury department.

12 Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:
13 13-3102. Misconduct involving weapons; defenses;
14 classification; definitions

15 A. A person commits misconduct involving weapons by knowingly:

16 1. Carrying a deadly weapon without a permit pursuant to section
17 13-3112 except a pocket knife concealed on his person; or

18 2. Carrying a deadly weapon without a permit pursuant to section
19 13-3112 concealed within immediate control of any person in or on a means of
20 transportation; or

21 3. Manufacturing, possessing, transporting, selling or transferring a
22 prohibited weapon, EXCEPT THAT IF THE VIOLATION INVOLVES DRY ICE, A PERSON
23 COMMITS MISCONDUCT INVOLVING WEAPONS BY KNOWINGLY POSSESSING THE DRY ICE WITH
24 THE INTENT TO CAUSE INJURY TO OR DEATH OF ANOTHER PERSON OR TO CAUSE DAMAGE
25 TO THE PROPERTY OF ANOTHER PERSON; or

26 4. Possessing a deadly weapon or prohibited weapon if such person is a
27 prohibited possessor; or

28 5. Selling or transferring a deadly weapon to a prohibited possessor;
29 or

30 6. Defacing a deadly weapon; or

31 7. Possessing a defaced deadly weapon knowing the deadly weapon was
32 defaced; or

33 8. Using or possessing a deadly weapon during the commission of any
34 felony offense included in chapter 34 of this title; or

35 9. Discharging a firearm at an occupied structure in order to assist,
36 promote or further the interests of a criminal street gang, a criminal
37 syndicate or a racketeering enterprise; or

38 10. Unless specifically authorized by law, entering any public
39 establishment or attending any public event and carrying a deadly weapon on
40 his person after a reasonable request by the operator of the establishment or
41 the sponsor of the event or the sponsor's agent to remove his weapon and
42 place it in the custody of the operator of the establishment or the sponsor
43 of the event for temporary and secure storage of the weapon pursuant to
44 section 13-3102.01; or

45 11. Unless specifically authorized by law, entering an election polling
46 place on the day of any election carrying a deadly weapon; or

- 1 12. Possessing a deadly weapon on school grounds; or
2 13. Unless specifically authorized by law, entering a nuclear or
3 hydroelectric generating station carrying a deadly weapon on his person or
4 within the immediate control of any person; or
5 14. Supplying, selling or giving possession or control of a firearm to
6 another person if the person knows or has reason to know that the other
7 person would use the firearm in the commission of any felony; or
8 15. Using, possessing or exercising control over a deadly weapon in
9 furtherance of any act of terrorism as defined in section 13-2301 or
10 possessing or exercising control over a deadly weapon knowing or having
11 reason to know that it will be used to facilitate any act of terrorism as
12 defined in section 13-2301.
- 13 B. Subsection A, paragraph 1 of this section shall not apply to a
14 person in his dwelling, on his business premises or on real property owned or
15 leased by that person.
- 16 C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12 and 13 of this
17 section shall not apply to:
18 1. A peace officer or any person summoned by any peace officer to
19 assist and while actually assisting in the performance of official duties; or
20 2. A member of the military forces of the United States or of any
21 state of the United States in the performance of official duties; or
22 3. A warden, deputy warden or correctional officer of the state
23 department of corrections; or
24 4. A person specifically licensed, authorized or permitted pursuant to
25 a statute of this state or of the United States.
- 26 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
27 to:
28 1. The possessing, transporting, selling or transferring of weapons by
29 a museum as a part of its collection or an educational institution for
30 educational purposes or by an authorized employee of such museum or
31 institution, if:
32 (a) Such museum or institution is operated by the United States or
33 this state or a political subdivision of this state, or by an organization
34 described in 26 United States Code section 170(c) as a recipient of a
35 charitable contribution; and
36 (b) Reasonable precautions are taken with respect to theft or misuse
37 of such material.
- 38 2. The regular and lawful transporting as merchandise; or
39 3. Acquisition by a person by operation of law such as by gift, devise
40 or descent or in a fiduciary capacity as a recipient of the property or
41 former property of an insolvent, incapacitated or deceased person.
- 42 E. Subsection A, paragraph 3 of this section shall not apply to the
43 merchandise of an authorized manufacturer of or dealer in prohibited weapons,
44 when such material is intended to be manufactured, possessed, transported,
45 sold or transferred solely for or to a dealer, a regularly constituted or
46 appointed state, county or municipal police department or police officer, a

1 detention facility, the military service of this or another state or the
2 United States, a museum or educational institution or a person specifically
3 licensed or permitted pursuant to federal or state law.

4 F. Subsection A, paragraph 1 of this section shall not apply to a
5 weapon or weapons carried in a belt holster ~~which holster~~ THAT is wholly or
6 partially visible, or carried in a scabbard or case designed for carrying
7 weapons ~~which scabbard or case~~ THAT is wholly or partially visible or carried
8 in luggage. Subsection A, paragraph 2 of this section shall not apply to a
9 weapon or weapons carried in a case, holster, scabbard, pack or luggage that
10 is carried within a means of transportation or within a storage compartment,
11 map pocket, trunk or glove compartment of a means of transportation.

12 G. Subsection A, paragraph 10 of this section shall not apply to
13 shooting ranges or shooting events, hunting areas or similar locations or
14 activities.

15 H. Subsection A, paragraph 3 of this section shall not apply to a
16 weapon described in section 13-3101, subsection A, paragraph 7- 8,
17 subdivision ~~(e)~~ (a), ITEM (v), if such weapon is possessed for the purposes
18 of preparing for, conducting or participating in lawful exhibitions,
19 demonstrations, contests or athletic events involving the use of such
20 weapon. Subsection A, paragraph 12 of this section shall not apply to a
21 weapon if such weapon is possessed for the purposes of preparing for,
22 conducting or participating in hunter or firearm safety courses.

23 I. Subsection A, paragraph 12 of this section shall not apply to the
24 possession of a:

25 1. Firearm that is not loaded and that is carried within a means of
26 transportation under the control of an adult provided that if the adult
27 leaves the means of transportation the firearm shall not be visible from the
28 outside of the means of transportation and the means of transportation shall
29 be locked.

30 2. Firearm for use on the school grounds in a program approved by a
31 school.

32 J. The operator of the establishment or the sponsor of the event or
33 the employee of the operator or sponsor or the agent of the sponsor,
34 including a public entity or public employee, is not liable for acts or
35 omissions pursuant to subsection A, paragraph 10 of this section unless the
36 operator, sponsor, employee or agent intended to cause injury or was grossly
37 negligent.

38 K. Misconduct involving weapons under subsection A, paragraph 9, 14 or
39 15 of this section is a class 3 felony. Misconduct involving weapons under
40 subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony.
41 Misconduct involving weapons under subsection A, paragraph 12 of this section
42 is a class 1 misdemeanor unless the violation occurs in connection with
43 conduct ~~which~~ THAT violates ~~the provisions of~~ section 13-2308, subsection A,
44 paragraph 5, section 13-2312, subsection C, section 13-3409 or section
45 13-3411, in which case the offense is a class 6 felony. Misconduct involving
46 weapons under subsection A, paragraph 5, 6 or 7 of this section is a class 6

felony. Misconduct involving weapons under subsection A, paragraph 1, 2, 10 or 11 of this section is a class 1 misdemeanor.

L. For the purposes of this section:

1. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state.

2. "Public event" means a specifically named or sponsored event of limited duration THAT IS either conducted by a public entity or conducted by a private entity with a permit or license granted by a public entity. Public event does not include an unsponsored gathering of people in a public place.

3. "School" means a public or nonpublic kindergarten program, common school or high school.

4. "School grounds" means in, or on the grounds of, a school.

Sec. 3. Section 13-3110, Arizona Revised Statutes, is amended to read:

13-3110. Misconduct involving simulated explosive devices;
classification; definition

A. A person commits misconduct involving simulated explosive devices by intentionally giving or sending to another person or placing in a private or public place a simulated explosive device with the intent to terrify, intimidate, threaten or harass.

B. The placing or sending of a simulated explosive device without written notice attached to the device in a conspicuous place that the device has been rendered inert and is possessed for the purpose of curio or relic collection, display or other similar purpose is prima facie evidence of intent to terrify, intimidate, threaten or harass.

C. Misconduct involving simulated explosive devices is a class ~~1-misdemeanor~~ 5 FELONY.

D. ~~In~~ FOR THE PURPOSES OF this section, "simulated explosive device" means a simulation of a prohibited weapon described in section 13-3101, SUBSECTION A, paragraph 7- 8, subdivision (a), ITEM (i), (vi) or ~~(f)~~ (viii) that a reasonable person would believe is such a prohibited weapon.

Sec. 4. Section 13-3112, Arizona Revised Statutes, is amended to read:

13-3112. Concealed weapons; qualification; application; permit
to carry; certificate of firearms proficiency;
training program; program instructors; report;
applicability; violation; classification

A. The department of public safety shall issue a permit to carry a concealed weapon to a person who is qualified under this section. The person shall carry the permit at all times when the person is in actual possession of the concealed weapon and shall present the permit for inspection to any law enforcement officer on request.

B. A person who fails to carry the permit at all times that the person is in actual possession of a concealed weapon may have the permit suspended. The department of public safety shall be notified of all violations of this section and shall immediately suspend the permit. The permittee shall present the permit to the law enforcement agency or the court. On

1 notification of the presentation of the permit, the department shall restore
2 the permit.

3 C. The permit of a person who is arrested or indicted for an offense
4 that would make the person unqualified under section 13-3101, subsection A,
5 paragraph 6- 7 or this section shall be immediately suspended and seized.
6 The permit of a person who becomes unqualified on conviction of that offense
7 shall be revoked. The permit shall be restored on presentation of
8 documentation from the court if the permittee is found not guilty or the
9 charges are dismissed. The permit shall be restored on presentation of
10 documentation from the county attorney that the charges against the permittee
11 were dropped or dismissed.

12 D. A permittee who carries a concealed weapon and who fails to present
13 a permit for inspection on the request of a law enforcement officer is guilty
14 of a petty offense. A permittee shall not be convicted of a violation of
15 this subsection if the permittee produces to the court a legible permit that
16 is issued to the permittee and that was valid at the time the violation of
17 this subsection occurred.

18 E. The department of public safety shall issue a permit to an
19 applicant who meets all of the following conditions:

- 20 1. Is a resident of this state or a United States citizen.
- 21 2. Is twenty-one years of age or older.
- 22 3. Is not under indictment for and has not been convicted in any
23 jurisdiction of a felony.
- 24 4. Does not suffer from mental illness and has not been adjudicated
25 mentally incompetent or committed to a mental institution.
- 26 5. Is not unlawfully present in the United States.
- 27 6. Satisfactorily completes a firearms safety training program
28 approved by the department of public safety pursuant to subsection 0 of this
29 section. This paragraph does not apply to:

30 (a) A person who is an active duty Arizona peace officer standards and
31 training board certified or federally credentialed peace officer or who is
32 honorably retired as a federal, state or local peace officer with a minimum
33 of ten years of service.

34 (b) A person who is an active duty county detention officer and who
35 has been weapons certified by the officer's employing agency.

36 (c) A person who is issued a certificate of firearms proficiency
37 pursuant to subsection X of this section.

38 F. The application shall be completed on a form prescribed by the
39 department of public safety. The form shall not require the applicant to
40 disclose the type of firearm for which a permit is sought. The applicant
41 shall attest under penalty of perjury that all of the statements made by the
42 applicant are true. The applicant shall submit the application to the
43 department with a certificate of completion from an approved firearms safety
44 training program, two sets of fingerprints and a reasonable fee determined by
45 the director of the department.

1 G. On receipt of a concealed weapon permit application, the department
2 of public safety shall conduct a check of the applicant's criminal history
3 record pursuant to section 41-1750. The department of public safety may
4 exchange fingerprint card information with the federal bureau of
5 investigation for federal criminal history record checks.

6 H. The department of public safety shall complete all of the required
7 qualification checks within sixty days after receipt of the application and
8 shall issue a permit within fifteen working days after completing the
9 qualification checks if the applicant meets all of the conditions specified
10 in subsection E of this section. If a permit is denied, the department of
11 public safety shall notify the applicant in writing within fifteen working
12 days after the completion of all of the required qualification checks and
13 shall state the reasons why the application was denied. On receipt of the
14 notification of the denial, the applicant has twenty days to submit any
15 additional documentation to the department. On receipt of the additional
16 documentation, the department shall reconsider its decision and inform the
17 applicant within twenty days of the result of the reconsideration. If
18 denied, the applicant shall be informed that the applicant may request a
19 hearing pursuant to title 41, chapter 6, article 10.

20 I. On issuance, a permit is valid for five years, except a permit that
21 is held by a member of the United States armed forces, including a member of
22 the Arizona national guard or a member of the reserves of any military
23 establishment of the United States, who is on federal active duty and who is
24 deployed overseas shall be extended until ninety days after the end of the
25 member's overseas deployment.

26 J. The department of public safety shall maintain a computerized
27 permit record system that is accessible to criminal justice agencies for the
28 purpose of confirming the permit status of any person who claims to hold a
29 valid permit issued by this state. This information and any other records
30 that are maintained regarding applicants, permit holders or instructors shall
31 not be available to any other person or entity except on an order from a
32 state or federal court.

33 K. Notwithstanding subsection J of this section, it is a defense to
34 any charge for carrying a deadly weapon without a permit by a member of the
35 United States armed forces, including a member of the Arizona national guard
36 or a member of the reserves of any military establishment of the United
37 States, if the member was on federal active duty at the time the permit
38 expired and the member presents documentation indicating release from active
39 duty or reassignment from overseas deployment within the preceding ninety
40 days.

41 L. A permit issued pursuant to this section is renewable every five
42 years. Before a permit may be renewed, a criminal history records check
43 shall be conducted pursuant to section 41-1750 within sixty days after
44 receipt of the application for renewal. For the purposes of permit renewal,
45 the permit holder is not required to submit additional fingerprints.

1 M. Applications for renewal shall be accompanied by a fee determined
2 by the director of the department of public safety.

3 N. The department of public safety shall suspend or revoke a permit
4 issued under this section if the permit holder becomes ineligible pursuant to
5 subsection E of this section. The department of public safety shall notify
6 the permit holder in writing within fifteen working days after the revocation
7 or suspension and shall state the reasons for the revocation or suspension.

8 O. An organization shall apply to the department of public safety for
9 approval of its firearms safety training program. The department shall
10 approve a program that meets the following requirements:

11 1. Is at least eight hours in length.

12 2. Is conducted on a pass or fail basis.

13 3. Addresses all of the following topics in a format approved by the
14 director of the department:

15 (a) Legal issues relating to the use of deadly force.

16 (b) Weapon care and maintenance.

17 (c) Mental conditioning for the use of deadly force.

18 (d) Safe handling and storage of weapons.

19 (e) Marksmanship.

20 (f) Judgmental shooting.

21 4. Is conducted by instructors who submit to a background
22 investigation, including a check for warrants and a criminal history records
23 check.

24 P. If approved pursuant to subsection O of this section, the
25 organization shall submit to the department of public safety two sets of
26 fingerprints from each instructor and a fee to be determined by the director
27 of the department of public safety. On receipt of the fingerprints and fee,
28 the department of public safety shall conduct a check of each instructor's
29 criminal history record pursuant to section 41-1750. The department of
30 public safety may exchange this fingerprint card information with the federal
31 bureau of investigation for federal criminal history record checks.

32 Q. The proprietary interest of all approved instructors and programs
33 shall be safeguarded, and the contents of any training program shall not be
34 disclosed to any person or entity other than a bona fide criminal justice
35 agency, except upon an order from a state or federal court.

36 R. If the department of public safety rejects a program, the rejected
37 organization may request a hearing pursuant to title 41, chapter 6,
38 article 10.

39 S. The department of public safety shall maintain information
40 comparing the number of permits requested, the number of permits issued and
41 the number of permits denied. The department shall annually report this
42 information to the governor and the legislature.

43 T. The director of the department of public safety shall adopt rules
44 for the purpose of implementing and administering the concealed weapons
45 permit program including fees relating to permits and certificates that are
46 issued pursuant to this section.

1 U. This state and any political subdivision of this state shall
2 recognize a concealed weapon, firearm or handgun permit or license that is
3 issued by another state or a political subdivision of another state if both:

4 1. The permit or license is recognized as valid in the issuing state.

5 2. The permit or license holder is all of the following:

6 (a) Not a resident of this state.

7 (b) Legally present in this state.

8 (c) Not legally prohibited from possessing a firearm in this state.

9 V. For the purpose of establishing mutual permit or license
10 recognition with other states, the department of public safety shall enter
11 into a written agreement if another state requires a written agreement.

12 W. Notwithstanding the provisions of this section, a person with a
13 concealed weapons permit from another state may not carry a concealed weapon
14 in this state if the person is under twenty-one years of age or is under
15 indictment for, or has been convicted of, a felony offense in any
16 jurisdiction, even if the person's rights have been restored and the
17 conviction is expunged, set aside or vacated.

18 X. The department of public safety may issue certificates of firearms
19 proficiency according to the Arizona peace officer standards and training
20 board firearms qualification for the purposes of implementing the law
21 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
22 United States Code sections 926B and 926C). A law enforcement agency shall
23 issue to a law enforcement officer who has honorably retired a photographic
24 identification that states that the officer has honorably retired from the
25 agency. The chief law enforcement officer shall determine whether an officer
26 has honorably retired and the determination is not subject to review. A law
27 enforcement agency has no obligation to revoke, alter or modify the honorable
28 discharge photographic identification based on conduct that the agency
29 becomes aware of or that occurs after the officer has separated from the
30 agency.

APPROVED BY THE GOVERNOR JUNE 19, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2008.